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Monica White,	
Plaintiff,	C/A No. 0:04-23225-CMC-BM
v.)	OPINION AND ORDER
Thelathia Baenes Bailey, individually and as Director of TRIO Programs; John Catalano, individually and as Dean of USC Lancaster; and USC Lancaster,	
Defendants.)	

Plaintiff, an African-American female who was formerly employed by USC Lancaster, filed this action against Defendants on December 10, 2004. In her complaint she originally asserted six causes of action: violation of First Amendment rights (first cause of action); breach of employment contract (second cause of action); wrongful termination in violation of public policy (third cause of action); race discrimination in violation of 42 U.S.C. § 1981 (fourth cause of action); race discrimination in violation of 42 U.S.C. § 1983 (fifth cause of action); and sex discrimination in violation of 42 U.S.C. § 1983 (sixth cause of action). Defendants filed a motion for summary judgment on October 27, 2005. Plaintiff filed a memorandum in opposition to the motion on January 10, 2006, and Defendants filed a reply memorandum on January 19, 2006. Subsequently, Plaintiff consented to the dismissal of Defendant USC Lancaster as a party Defendant in her first cause of action and withdrew the second, third, fourth, fifth and sixth causes of action. The only remaining claim is the first cause of action for alleged violation of her First Amendment rights against Defendants Bailey and Catalano in their individual capacities.

In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(g), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. The Magistrate Judge filed his Report and Recommendation on June 9, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the

matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Based on his review of the record, the Magistrate Judge has recommended that Defendants' motion for summary judgment be **granted** as to the first cause of action against Defendants Bailey and Catalano in their individual capacities. He further recommended that Plaintiff's claims for breach of contract and wrongful termination be **dismissed** without prejudice. Plaintiff has filed no objections to the Report and Recommendation and the time for doing so has expired.

After reviewing the complaint, the motion, the opposition, the complete record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that, with the consent of Plaintiff, Plaintiff's claim against Defendant USC Lancaster in the first cause of action is dismissed with prejudice, as are Plaintiff's fourth, fifth and sixth causes of action. It is

FURTHER ORDERED that Defendants' motion for summary judgment is **GRANTED** as to the first cause of action against Defendants Bailey and Catalano in their individual capacities; and. it is

FURTHER ORDERED that Plaintiff's claims for breach of contract and wrongful termination are **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina July 18, 2006